

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

LEE FLOYD BEBLEY

PLAINTIFF

v.

Civil No. 07-5028

ANDREA GARRETT, Nurse;
DOCTOR HUSKINS, ET AL.

DEFENDANTS

O R D E R

NOW on this 25th day of March 2008, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (document #38), filed on March 12, 2008, and the Court, being well and sufficiently advised that there has been no objection thereto, finds that the Report and Recommendation should be, and it hereby is, adopted *in toto*.

IT IS THEREFORE ORDERED that, for the reasons set forth therein, the **Report and Recommendation of the Magistrate Judge** is **adopted in toto**. Accordingly, Defendants' Motion for Summary Judgment (document #24, Case No. 07-5036) is hereby **granted in part** and **denied in part**. The motion is denied as to Plaintiff's claim of excessive force against Defendant Sergeant Tomlin. The motion is granted as to all other claims. Further, Defendants' Motion for Summary Judgment (document #20, Case No. 07-5028) is hereby **granted in its entirety**.

IT IS FURTHER ORDERED that, as set forth in the Report and Recommendation, Plaintiff's excessive force claim against Defendant Tomlin is hereby remanded to the Magistrate Judge for further handling.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE